

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ASTELLAS US LLC; ASTELLAS
PHARMA US, INC.; and GILEAD
SCIENCES, INC.,

Plaintiffs,

v.

ACCORD HEALTHCARE, INC.,

Defendant.

C.A. No. 19-1199-CFC

STIPULATION AND ~~PROPOSED~~ ORDER TO CONSOLIDATE ACTION

WHEREAS Plaintiffs Astellas US LLC and Astellas Pharma US, Inc. (collectively, “Astellas”) and Gilead Sciences, Inc. (“Gilead”) (Astellas and Gilead, collectively, “Plaintiffs”) filed C.A. No. 19-1199-CFC against Defendant Accord Healthcare, Inc. (“Accord”) on June 25, 2019;

WHEREAS the parties seek to consolidate C.A. No. 19-1199-CFC with the previously consolidated action in C.A. No. 18-1675-CFC, which involves the same patents and relates to Defendants’ efforts to market 0.4 mg/5 mL (0.08 mg/mL) intravenous solution of regadenoson, a generic version of Plaintiffs’ Lexiscan® drug product prior to expiration of U.S. Patent Nos. 8,106,183, RE 47,301, and 8,524,883.

IT IS HEREBY STIPULATED AND AGREED by the parties, subject to the approval of the Court, that:

- 1) C.A. No. 19-1199-CFC and C.A. No. 18-1675-CFC are consolidated for all purposes;
- 2) All filings shall be made in C.A. No. 18-1675-CFC;

3) The discovery limits and Scheduling Order entered in C.A. No. 18-1675-CFC (D.I. 45 & 64) and any amendments or modifications thereto shall apply in this consolidated action with the following modifications to certain deadlines:¹

Event	Date
FRCP 26(a) Initial Disclosures	August 13, 2019
Disclosures Pursuant To Paragraph 3 Of The Default Standard For Discovery	August 13, 2019
Plaintiffs' Disclosures and Production Pursuant to Paragraph 4(a) Of The Default Standard For Discovery	August 13, 2019
Defendant's Disclosures and Production Pursuant to Paragraph 4(b) Of The Default Standard For Discovery	August 14, 2019
Plaintiffs' Initial Claim Charts Pursuant to Paragraph 4(c) Of The Default Standard For Discovery	September 5, 2019

4) The Court previously entered a Protective Order in C.A. No. 18-1675-CFC (D.I. 51). Following entry of this Order, the Protective Order shall apply to this Action.

¹ The parties to the consolidated action (CA No. 18-1675-CFC) have currently filed a joint stipulation to extend the deadlines for disclosures pursuant to paragraph 4.d of the Court's Default Standard for Discovery, exchange of proposed terms for construction, exchange of preliminary claim constructions, and meeting and confer regarding the joint claim construction chart.

Dated: August 15, 2019

Respectfully submitted,

FISH & RICHARDSON P.C.

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IT IS SO ORDERED this 21st day of August, 2019.



The Honorable Colm F. Connolly
United States District Judge